

1648
Jh/B

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> 	Application Number	09/905,338
	Filing Date	July 13, 2001
	First Named Inventor	Watkins, Michael I.
	Art Unit	1648
	Examiner Name	Stucker
	Attorney Docket Number	02558B-059411US
Total Number of Pages in This Submission		19

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (COPY), International Search Report and (One) reference <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Request for Consideration of Prior Art
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Townsend and Townsend and Crew LLP Joel G. Ackerman Reg. No. 24,307
Signature	
Date	August 24, 2004

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Typed or printed name	Lois M. Simón		
Signature		Date	August 24, 2004

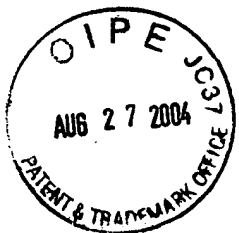
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Commissioner for Patents
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PATENT

Docket No.: 02558B-059411US
Client Ref. No.: BRP00091 (divisional)



On August 24, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: _____

Lois M. Simón

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael I. Watkins and Richard B.
Edwards

Application No.: 09/905,338

Filed: July 13, 2001

For: MULTIPLEX FLOW ASSAYS
PREFERABLY WITH MAGNETIC
PARTICLES AS SOLID PHASE

Examiner: Stucker

Art Unit: 1648

REQUEST FOR CONSIDERATION OF
PRIOR ART

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement was filed with this application, submitting a number of references, including some that had been cited in an International Search Report. A copy of that Report was included with the application papers.

In the Office action of September 24, 2002, the Examiner indicated that all references submitted with that Information Disclosure Statement had been considered, except for German patent 44 27 821. The PTO-1449 form indicated that this reference had not been considered because no English translation had been provided.

Michael I. Watkins and Richard B. Edwards
Application No.: 09/905,338
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PATENT

However, under MPEP 609, it should not have been necessary to provide an English translation because this reference was referred to in the International Search Report (and classified as an "A", or technical background, reference).

Submitted herewith are copies of that German patent, the Search Report, and the original Information Disclosure Statement. Applicants respectfully request that this reference be indicated as having been considered and be listed on the front page of the patent when printed.

If the Examiner believes a telephone conference would expedite matters, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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Date of Deposit July 13, 2001

Attorney Docket No.: 2558B-594-11 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael I. Watkins and Richard B. Edwards

Application No.:

Filed: Herewith

For: MULTIPLEX FLOW ASSAYS
PREFERABLY WITH MAGNETIC
PARTICLES AS SOLID PHASE

Examiner: Unassigned

Art Unit: Unassigned

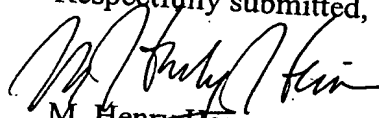
INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR 1.97, Applicants bring to the Examiner's attention the related patent application, U.S. Serial No. 09/302,920 filed April 30, 1999, which is relied upon for an earlier filing date under 35 USC 120. Applicants respectfully request that the references supplied in compliance with 37 CFR 1.87 in the above-referenced parent application, as well as those cited during its examination, be made of record. For the convenience of the Examiner, a copy of the Information Disclosure Statement, as well as the PTO Form 1449 filed in the parent application is attached. Copies of the documents will be found in the above-referenced parent application.

Respectfully submitted,


M. Henry Heines
Reg. No. 28,219

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PATENT
Attorney Docket No.: 2558B-594-10

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Washington, D.C. 20231

By: *Sumi/Butt*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael I. Watkins and Richard B.
Edwards

Application No.:

Filed: Herewith

For: MULTIPLEX FLOW ASSAYS
PREFERABLY WITH MAGNETIC
PARTICLES AS SOLID PHASE

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:


The references cited on attached form PTO-1449 are being called to the attention of the Examiner. Copies of the references are enclosed. Also enclosed is a copy of the Search/Examination report issued in the corresponding PCT application. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and

no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


M. Henry Heines
Reg. No. 28,219

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Date: 15/03/1999